

## Message Text

LIMITED OFFICIAL USE

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ACTION STR-05

INFO OCT-01 ISO-00 STRE-00 AGRE-00 CEA-01 CIAE-00  
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07 INT-05  
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05  
SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 SOE-01  
OMB-01 DOE-12 AF-10 ARA-10 EA-10 EUR-12 NEA-10  
OIC-02 IO-13 /155 W  
-----126871 221716Z /40

P 221645Z DEC 77  
FM USMISSION GENEVA  
TO SECSTATE WASHDC PRIORITY 4355  
INFO AMEMBASSY BRUSSELS

LIMITED OFFICIAL USE SECTION 01 OF 02 GENEVA 12609

USMTN USEEC

STR FOR ACTION

STR PASS CODEL

E.O. 11652: N/A  
TAGS: MTN, ETRD  
SUBJECT: EC PROPOSAL ON LEVELS OF OBLIGATION IN MTN  
DRAFT STANDARDS CODE

REF: (A) GENEVA 11557

1. LOCAL EC REP (MACDONALD) PRESENTED TO U.S. MTN DEL  
A COPY OF THE EC PROPOSAL ON LEVELS OF OBLIGATIONS IN  
MTN DRAFT STANDARDS CODE WHICH EC ORALLY INTRODUCED  
AT NOVEMBER INFORMAL MEETING (REFTEL). ACCORDING TO  
MACDONALD, THE PROPOSAL HAS BEEN APPROVED BY THE 113  
COMMITTEE. THE EC WOULD LIKE TO HAVE AN INFORMAL  
CONSULTATION WITH THE U.S. ON 4 JANUARY 1978 TO HEAR  
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OUR PRELIMINARY REACTIONS TO THE PROPOSAL. THEY PLAN  
TO SUBMIT IT TO THE GATT SECRETARIAT FOR DISTRIBUTION  
BY 15 JANUARY. TEXT IS AS FOLLOWS:

QUOTE:

PROPOSAL OF THE EUROPEAN COMMUNITIES FOR THE DRAFT

CODE FOR PREVENTING TECHNICAL BARRIERS TO TRADE

1. THE EUROPEAN COMMUNITIES HAVE, FROM THE BEGINNING, BEEN CONCERNED WITH ONE IMPORTANT ASPECT OF IMBALANCE IN THE "DRAFT CODE OF CONDUCT FOR PREVENTING TECHNICAL BARRIERS TO TRADE", AS PRESENTLY DRAWN UP, RESULTING FROM THE FACT THAT IT IMPOSES DIFFERENT LEVELS OF OBLIGATION FOR THE PREPARATION AND APPLICATION OF TECHNICAL REGULATIONS, STANDARDS, QUALITY ASSURANCE AND CERTIFICATION SYSTEMS AND OTHER STANDARDIZING ACTIVITY SUBJECT TO THE CODE. THESE TWO LEVELS OF OBLIGATION ARE, ON THE ONE HAND, THE OBLIGATION IMPOSED ON SIGNATORIES TO ENSURE THAT CERTAIN BODIES WITHIN THEIR TERRITORIES CONFORM TO THE OBLIGATIONS OF THE CODE (FIRST LEVEL OBLIGATION) AND ON THE OTHER HAND THE OBLIGATION TO USE "BEST ENDEAVOURS" TO BRING ALL OTHER RELEVANT BODIES AND ORGANISATIONS WITHIN THEIR TERRITORIES INTO CONFORMITY WITH THE OBLIGATIONS OF THE CODE IN PREPARING OR APPLYING TECHNICAL REGULATIONS, STANDARDS, CERTIFICATION SYSTEMS ETC. THIS HAS, IN THE VIEW OF THE EEC AND SOME OTHER DELEGATIONS, TO QUOTE PARA 9 OF THE "REPORT OF GROUP 3 ON STANDARDS" CONTAINED IN ANNEX B OF THE DRAFT STANDARDS CODE, "RESULTED LIMITED OFFICIAL USE

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IN SUBSTANTIAL INEQUALITY AS BETWEEN COUNTRIES WITH A FEDERAL STRUCTURE AND COUNTRIES WITH A UNITARY STRUCTURE, BECAUSE OF THE FACT THAT IN THE FORMER MANY OF THESE REGULATIONS AND PROVISIONS ARE WITHIN THE COMPETENCE OF THE CONSTITUENT STATES, WHILE IN THE LATTER, MOST OF THEM ARE WITHIN THE EXCLUSIVE COMPETENCE OF THE CENTRAL GOVERNMENT".

2. ACCORDINGLY: THE EUROPEAN COMMUNITIES HAVE THE FOLLOWING PROPOSAL TO MAKE SIGNATORIES WOULD BE RESPONSIBLE TO OTHER SIGNATORIES IN REGARD TO THE PREPARATION, ADOPTION AND USE OF ALL TECHNICAL REGULATIONS, STANDARDS, QUALITY ASSURANCE CERTIFICATION SYSTEMS AND OTHER STANDARDIZING ACTIVITY WITHIN THEIR TERRITORY:

A) THEY WOULD BE UNDER AN OBLIGATION TO ENSURE THAT THE PREPARATION, ADOPTION AND USE OF TECHNICAL REGULATIONS, STANDARDS, CERTIFICATION SYSTEMS ETC. OF CENTRAL GOVERNMENT BODIES ARE IN CONFORMITY WITH THE OBLIGATIONS

OF THE CODE;

B) THEY WOULD BE RESPONSIBLE TO OTHER SIGNATORIES  
IN REGARD TO FAILURE TO ACHIEVE RESULTS IDENTICAL TO THOSE IMPOSED UNDER THE FIRST LEVEL OBLIGATIONS, UNDER THE "BEST ENDEAVOURS" PROVISIONS WHERE TECHNICAL REGULATIONS, STANDARDS, CERTIFICATION SYSTEMS ETC. ARE PREPARED BY BODIES WITHIN THEIR TERRITORIES.

C) IN THE EVENT THAT A SIGNATORY IS UNABLE TO DISCHARGE ITS OBLIGATIONS IN REGARD TO THE FIRST LEVEL OF OBLIGATION, OR TO ACHIEVE RESULTS IDENTICAL TO THE FIRST LEVEL OF OBLIGATION UNDER THE "BEST ENDEAVOURS"

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ACTION STR-05

INFO OCT-01 ISO-00 STRE-00 AGRE-00 CEA-01 CIAE-00  
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07 INT-05  
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05  
SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 SOE-01  
OMB-01 DOE-12 AF-10 ARA-10 EA-10 EUR-12 NEA-10  
OIC-02 IO-13 /155 W

-----126872 221716Z /40

P 221645Z DEC 77

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 4356

INFO AMEMBASSY BRUSSELS

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USMTN USEEC

STR FOR ACTION

STR PASS CODEL

OBLIGATIONS, THE MATTER COULD BE RAISED BY  
ANY OTHER SIGNATORY, WHICH FEELS THAT THE  
OBLIGATIONS OF THE CODE ARE NOT BEING  
FULFILLED, UNDER THE PROVISIONS OF THE CODE.

UNQUOTE.

2. ACTION REQUESTED: PLEASE PROVIDE ANY PRELIMINARY  
COMMENTS ON PROPOSAL BY OPENING OF BUSINESS 4 JANUARY.

3. DRAFTED BY WALLAR. MCDONALD

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** STANDARDS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 22-Dec-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977GENEVA12609  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770478-0116  
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**Litigation History:**  
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**Office:** ACTION STR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 GENEVA 11557  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
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**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 148618  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** EC PROPOSAL ON LEVELS OF OBLIGATION IN MTN DRAFT STANDARDS CODE  
**TAGS:** ETRD, MTN  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/391a49fe-c188-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
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US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009